

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROBERT L. WILLIAMS, EAV-804,)	
)	
Plaintiff(s),)	No. C 10-1956 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL
)	
CITY OF HAYWARD, et al.,)	
)	
Defendant(s).)	
_____)	

On May 6, 2010, while incarcerated at the Claremont Custody Center in Coalinga, California, plaintiff, a frequent litigant in this court, filed a pro se prisoner complaint for damages under 42 U.S.C. § 1983 alleging various instances of harassment/retaliation by City of Hayward police officers.

On September 7, 2010, the court noted that plaintiff had filed additional pleadings suggesting that he wished to allege additional claims and name additional defendants, and dismissed the complaint with leave to amend to incorporate all allegations and defendants into one complaint. The court explained that the amended complaint would supersede the original complaint and all other earlier pleadings; claims and defendants not included in the first amended complaint would not be considered by the court. Sept. 7, 2010 Order at 2 (citing King v. Atiyeh, 814 F.2d 565, 567 (9th Cir. 1987)).

1 On September 16, 2010, plaintiff filed a document titled First Amended
2 Complaint (FAC). But the document is simply a compilation of copies of
3 personnel complaints plaintiff has filed with the Hayward Police Department.

4 On November 23, 2010, the court noted that the FAC would not do
5 because "a complaint must contain a short and plain statement of the grounds for
6 the court's jurisdiction; a plain and short statement of the claim(s) showing that
7 plaintiff is entitled to relief; and a demand for the relief sought." Nov. 23, 2010
8 Order at 2 (citing Fed. R. Civ. P. 8(a)). Plaintiff was afforded "a final
9 opportunity" to file a "proper amended complaint." Id.

10 On December 8, 2010, plaintiff filed a document titled Second Amended
11 Complaint (SAC). But it again is deficient because it does not contain a demand
12 for the relief sought, despite plaintiff having been specifically advised by the
13 court to include such demand in the SAC.

14 Under these circumstances, the SAC will be dismissed without leave to
15 amend. But in the interest of justice, the dismissal is without prejudice to
16 plaintiff filing a new action.

17 The clerk shall close the file and enter judgment in accordance with this
18 order.

19 SO ORDERED.

20 DATED: May 6, 2011

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23 CHARLES R. BREYER
24 United States District Judge
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